



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0887; FRL-8883-8]

Dicloran; Cancellation Order for Amendment to Terminate Use on Potatoes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the amendment to terminate use on potatoes, voluntarily requested by the registrant and accepted by the Agency, of products containing dicloran (DCNA), pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a December 1, 2010 **Federal Register** Notice of Receipt of Request from the registrant listed in Table 2 of Unit II. to voluntarily amend to terminate DCNA use on potatoes for these product registrations. These are not the last products containing this pesticide registered for use in the United States. In the December 1, 2010 notice, EPA indicated that it would issue an order implementing the amendment to terminate use, unless the Agency received substantive comments within the 180 day comment period that would merit its further review of these requests, or unless the registrant withdrew their request. The Agency did not receive any comments on the notice. Further, the registrant did not withdraw their request. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested amendment to terminate DCNA use on potatoes. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The amendment is effective [*insert date of publication in the Federal Register*].

FOR FURTHER INFORMATION CONTACT: James Parker, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 306-0469; fax number: (703) 308-7070; e-mail address: *parker.james@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0887. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours

of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

II. What Action is the Agency Taking?

This notice announces the amendment to delete from the registration of DCNA use on potato, as requested by registrant, under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

Table 1. - DCNA Product Registration Amendment to Delete Use

EPA Registration Number	Product Name	Uses Deleted
10163-189	Botran 75-W Fungicide	Potatoes
10163-195	Botran Technical	Potatoes
10163-226	Botran 5F Fungicide	Potatoes

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

Table 2. - Registrant of Amended Products

EPA Company Number	Company Name and Address
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366-5569

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the December 1, 2010 **Federal Register** notice (75 FR 230) (FRL-8854-3) announcing the Agency's receipt of the request to voluntarily amend to delete DCNA use on potatoes for products listed in Table 1 of Unit II.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendment to terminate use of DCNA on potatoes for registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II. are amended to terminate use on potatoes. The effective date of the cancellations that are subject of this notice is [*insert date of publication of this cancellation order in the Federal Register*]. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment on December 1, 2010. The comment period closed on May 31, 2011.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

The registrant may continue to sell and distribute existing stocks of products listed in Table 1 whose labels include the deleted use until [*insert date 1 year after the date of publication in the **Federal Register***], which is 1 year after publication of this cancellation order in the **Federal Register**. Thereafter, the registrant is prohibited from selling or distributing products listed in Table 1 of Unit II. whose labels include the deleted use, except for export in accordance with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of products whose labels include the deleted use until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the deleted use.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 6, 2011.

Peter Caulkins,

Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

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